



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 02 2004

IFW #  
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APPLICATION NUMBER	OFFICE OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,950	04/15/2004	Joel Q. Xue	039199-9549

31058  
MICHAEL BEST & FRIEDRICH LLP  
100 EAST WISCONSIN AVENUE  
MILWAUKEE, WI 53202-4108

Michael, Best & Friedrich LLP  
RECEIVED  
JUL 02 2004  
DOCUMENTING  
MILWAUKEE, WI

CONFIRMATION NO. 7453  
FORMALITIES LETTER



\*OC000000013084060\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

08/03/2004 MAHME1 00000071 502401 10824950

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

*HN*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please type a plus sign (+) inside this box [+]

Patent and Trademark Office: U.S. Department of Commerce

U.S. PTO Rev. 10/05	U.S. Department of Commerce Patent and Trademark Office	Application Number	10/824,950
AUG 02 2004 TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Filing Date	04/15/2004
Total Number of pages in this Submission		First Named Inventor	Joel Q. Xue
9		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	140824IT (5024-00119)

ENCLOSURES (check all that apply)

Fee Transmittal Form  
 Fee Attached  
  
 Amendment/Response  
 After final  
  
 Extension of Time Request  
  
 Express Abandonment Request  
  
 Information Disclosure Statement/PTO-1449  
  
 Certified Copy of Priority Document(s)  
  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts Under 37 1.52 or 1.53

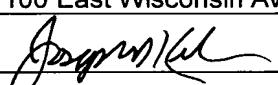
Assignment Papers (for an Application)  
 Drawing(s)  
 Licensing-related Papers  
 Petition Checklist and Accompanying Petition  
 To Convert a Provisional Application  
 Power of Attorney, Revocation, Change of Correspondence Address  
 Terminal Disclaimer

After Allowance Communication To Group  
 Appeal Communication to Board Of Appeals and Interferences  
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Additional Enclosure(s) (Please identify below)

Return receipt postcard

Remarks

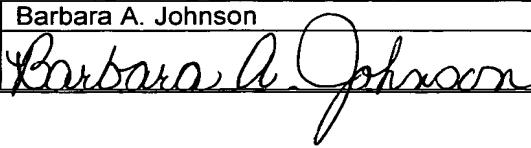
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

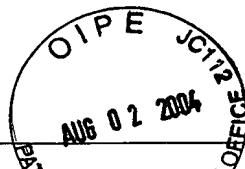
Firm Or Individual Name	Joseph D. Kuborn, Reg. No. 40,689 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Suite 1100, Milwaukee, WI 53202
Signature	
Date	July 27, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date:

July 27, 2004

Typed or printed name	Barbara A. Johnson
Signature	
	Date 7/27/2004



Approved for use through 9/30/98  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/17  
(10/97)

**FEE TRANSMITTAL**

Total Amount of Payment (\$ 130.00)

Attorney Docket Number 140824IT (5024-00119)

**METHOD OF PAYMENT** (check one)

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 50-2401

Deposit Account Name Andrus, Sceales, Starke & Sawall, LLP

Charge any additional fee required under 37 CFR 1.16 and 1.17  Charge the Issue Fee set in 37 CFR 1.18 at the Mailing Of the Notice of Allowance, 37 CFR 1.311(b)

Payment Enclosed:

Check  Money Order  Other

**FEE CALCULATION** (fees effective 10/01/97)

**1. Filing Fee**

Large Entity Small Entity

Fee Fee Fee Fee  
Code (\$) Code (\$)

101	740	201	370	Utility filing fee	_____
106	330	206	165	Design filing fee	_____
107	480	207	240	Plant filing fee	_____
108	760	208	380	Reissue filing fee	_____
114	150	214	75	Provisional filing fee	_____

SUBTOTAL (1) (\$ 0)

**2. Claims** Extra Fee from below Fee Paid

Total claims - 20= X = \_\_\_\_\_

Independent - 3= X = \_\_\_\_\_

Claims

Multiple Dependent X = \_\_\_\_\_

Claims

Large Entity Small Entity Fee

Fee Fee Fee Fee Description

103	18	203	9	Claims in excess of 20	_____
102	78	202	39	Independent claims in excess of 3	_____
104	260	204	130	Multiple dependent claim	_____
109	78	209	39	Reissue independent claims over original patent	_____
110	19	210	9	Reissue claims in excess of 20 and over original patent	_____

SUBTOTAL (2) (\$ 0)

COMPLETE IF KNOWN				
Application Number				10/824,950
Filing Date				04/15/2004
First Named Inventor				Joel Q. Xue
Group Art Unit				_____
Examiner Name				_____

**FEE CALCULATION** (continued)

2. Additional Fees				
Large Entity Small Entity				
Fee	Fee	Fee	Fee	
Code (\$)	Code (\$)	Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath <u>\$130</u>
127	50	227	25	Surcharge-late provisional filing fee _____ or cover sheet
139	130	139	130	Non-English specification _____
147	2,520	147	2,520	For filing a request for reexamination _____
112	920*	112	920*	Requesting publication of SIR prior to _____ Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after _____ Examiner action
115	110	215	55	Extension for response within first _____ month
116	400	216	200	Extension for response within second _____ month
117	950	217	475	Extension for response within third _____ month
118	1,510	218	755	Extension for response within fourth _____ month
128	2,060	228	1,030	Extension for response within fifth _____ month
119	310	219	155	Notice of appeal _____
120	310	220	155	Filing a brief in support of an appeal _____
121	270	221	135	Request for oral hearing _____
138	1,510	138	1,510	Petition to institute a public use _____ proceeding
140	110	240	55	Petition to revive unavoidably _____ abandoned application
141	1,320	241	660	Petition to revive unintentionally _____ abandoned application
142	1,320	242	660	Utility issue fee (or reissue) _____
143	450	243	225	Design issue fee _____
144	670	244	335	Plant issue fee _____
122	130	122	130	Petitions to the Commissioner _____
123	50	123	50	Petitions related to provisional _____ applications
126	240	126	240	Submission of Information Disclosure _____ Statement
581	40	581	40	Recording each patent assignment per _____ property (times number of properties)
146	790	246	395	Filing a submission after final rejection _____ (37 CFR 1.129(a))
149	790	249	395	For each additional invention to be _____ examined (37 CFR 1.129(b))
Other fee (specify) _____				
Other fee (specify) _____				
SUBTOTAL (3) (\$ 130.00)				

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Type or Printed name Joseph D. Kuborn  
Andrus, Sceales, Starke & Sawall, LLP

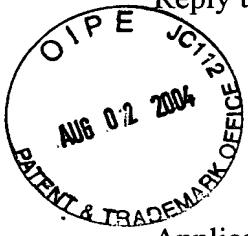
Signature

**COMPLETE (if applicable)**

Registration Number 40,689

Date 7/27/2004

Deposit Account User ID



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: )  
JOEL Q. XUE ET AL )  
Application No.: 10/824,950 )  
Filed: 04/15/2004 )  
Group Art Unit: )  
Examiner: )  
METHOD AND APPARATUS FOR )  
ANALYSIS OF NON-INVASIVE )  
CARDIAC PARAMETERS )

SUBMISSION OF DECLARATION

Mail Stop MISSING PARTS  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application,  
Filing Date Granted mailed June 28, 2004 enclosed are the following documents/items.

1. An executed declaration in this application executed by the inventors. The declaration includes the names and residences of the inventors. In accordance with the Commissioner's announcement in 1035 OG 3, the undersigned registered attorney states that Application Serial No. 10/824,950 is the application that the inventors executed by signing the attached declaration.
2. Please charge the surcharge of \$130.00 for late filing of the declaration to Deposit Account No. 50-2401. A duplicate copy of this submission is attached.

3. A copy of the Notice of June 28, 2004.

Issuance of a filing receipt and advancement of the application to examination is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Joseph D. Kuborn  
Reg. No. 40,689

Andrus, Sceales, Starke & Sawall  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
(414) 271-7590  
Docket No. 140824IT (5024-00119)